



William D. Reilich
Supervisor

TOWN OF GREECE

PLANNING BOARD MINUTES

AUGUST 19, 2015

Work Session Began: 6:30 p.m.

Meeting Began: 7:00 p.m.

Place: Community Conference Room, Greece Town Hall

Present

Alvin I. Fisher, Jr., Chairman

Richard C. Antelli

Daniel P. Barletta, DDS

Devan Helfer

William E. Selke

Michael H. Sofia

Christopher A. Schiano, Esq., Deputy Town Attorney

John Gauthier, P.E., Associate Engineer

Scott R. Copey, Planner

Michelle M. Betters, Planning Board Secretary

Absent

Christine R. Burke

Additions, Deletions and Continuances to the Agenda

Announcements

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PUBLIC HEARINGS

Old Business

1. Applicant: Apple Latta, LLC
 Location: 2451-2455 Latta Road
 Mon. Co. Tax No.: 045.19-2-3
 Request: Minor subdivision approval for the Orchard View subdivision,
 consisting of 3 lots on approximately 76.32 acres
 Zoning District RMS (Multiple-Family Residential – Senior Citizen) and R1-44
 (Single-Family Residential)

For a synopsis of the discussion relative to this request, see the minutes of this meeting relative to the request for site plan approval by applicant Apple Latta, LLC.

Mr. Barletta made the following motion, seconded by Mr. Antelli:

WHEREAS Apple Latta, LLC (the "Applicant") has submitted a proposal to the Town of Greece (the "Town") Planning Board (the "Planning Board") for approval of a minor subdivision, as more fully described in the minutes of this public meeting (the "Proposal"), relative to property located at 2451-2455 Latta Road (the "Premises"); and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Planning Board makes the following findings:

1. On February 19, 2015, the Town Board changed the zoning of the subject property from R1-44 (Single-Family Residential) to MFS (Multiple-Family Residential – Senior Citizen). As a Type I action pursuant to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), the rezoning was the subject of a coordinated environmental review, for which the Town Board was the Lead Agency and the Planning Board was an involved agency. Following the review of the Full Environmental Assessment Form and supplemental information provided by the Applicant and other interested or involved parties, the Town Board issued a negative declaration pursuant to SEQRA, indicating that there would be no significant adverse environmental impact.
2. In its role as the Lead Agency, the Town Board exercised due diligence in identifying and notifying involved agencies, including the Planning Board, and pursuant to the SEQRA Regulations, Section 617.6(b)(3)(iii), the Lead Agency's Negative Declaration is binding on all involved agencies.
3. The Planning Board has considered the Lead Agency's Negative Declaration, and reviewed additional detailed information related to traffic, buffering, utilities, drainage, and other relevant issues.
4. The Planning Board finds the proposed project to be consistent with the project reviewed by the Town Board.

NOW, THEREFORE, be it

RESOLVED that SEQRA requires no further environmental review by the Planning Board.

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VOTE:	Antelli	Yes	Barletta	Yes
	Burke	Absent	Helfer	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED

Mr. Selke then made the following motion, seconded by Mr. Barletta, to approve the Proposal, subject to the following conditions:

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. Any Town of Greece approval or permit for these premises does not relieve the applicant, developer, or owner of the premises from obtaining all other town, county, state, or federal government approvals or permits that are required for the premises.
3. Cross-access easement(s) shall be provided for all lots in this subdivision to maintain free access to and from Latta Road at the signalized Kirk Road intersection. Said cross access easement(s) shall be shown on the plat, shall be subject to review by the Planning Board Attorney, and shall be filed in the Office of the Monroe County Clerk.
4. No building permits shall be issued unless and until a digital copy of the plans has been submitted. All sheets in the drawing set, with all necessary signatures, shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
5. Subject to approval by the Town's Commissioner of Public Works and Engineering staff.
6. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include any successors and assigns.
7. Wherever this resolution refers to a specific public official or agency, it shall be construed to include designees, successors and assigns.
8. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

VOTE:	Antelli	Yes	Barletta	Yes
	Burke	Absent	Helfer	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED
APPROVED WITH CONDITIONS

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New Business

1. Applicant: Horizon Homes
Location: Generally, north of Latta Road and east of North Greece Road
Mon. Co. Tax No.: 044.02-05-48
Request: Final plat approval for the Fieldstone Estates subdivision, Section 7, consisting of 11 lots on approximately 6.37 acres
Zoning District: R1-E (Single-Family Residential)

The following is a synopsis of the discussion pertaining to the above-referenced request.

Rick Giraulo, LaDieu Consulting, presented the application.

Mr. Giraulo: This project was approved by the Board in May 2013. It simply did not get built yet and the approval expired, so we are back before you to get reapproval. It has been re-signed by the county and health agencies.

Mr. Copey: As a final plat, it was not subject to review by the Monroe County Planning Department and there are no other staff comments; it's as it was proposed originally.

Mr. Selke made the following motion, seconded by Mr. Barletta:

WHEREAS Horizon Homes (the "Applicant") has submitted a proposal to the Town of Greece (the "Town") Planning Board (the "Planning Board") for approval of a final plat, as more fully described in the minutes of this public meeting (the "Proposal"), relative to property generally located near generally, north of Latta Road and east of North Greece Road (the "Premises"); and

WHEREAS, the Planning Board makes the following findings:

1. The Planning Board completed its environmental review of the subdivision pursuant to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA") when the preliminary plat was approved by the Planning Board.
2. This final plat is in agreement with the preliminary plat. Therefore, SEQRA requires no further environmental review by the Planning Board.

VOTE:	Antelli	Yes	Barletta	Yes
	Burke	Absent	Helfer	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED

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Mr. Selke then made the following motion, seconded by Mr. Barletta, to approve the Proposal, subject to the following conditions:

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. A dated signature of the owner/developer shall be added to the plat.
3. The Town's *2001 Community Master Plan Update* (Clough, Harbour & Associates, September 2001) contains current and projected population growth; an inventory and analysis of public, private, and semi-private recreation facilities, both active and passive; and recommendations for future actions. Based on this document, the Planning Board finds that the Town currently needs, or will need, additional park and recreation space in the vicinity of the Proposal. The Planning Board further finds that development of this subdivision will contribute to the demand for additional park and recreation space, and that this subdivision provides no suitable park or recreation land to address such current or future need. Therefore, pursuant to New York State Town Law, Section 277, payment of the Town's recreation fee shall be required for each building lot in this subdivision, payable to the Town upon the issuance of the original building permit for each house. A note that indicates this requirement shall be added to the plat.
4. No final approval signature shall be placed on the plans unless and until the appropriate easement documents have been prepared and provided to the Town for review.
5. No building permits shall be issued for any of the lots in this subdivision unless and until the appropriate easement documents, including all necessary map references, have been filed in the Office of the Monroe County Clerk. The Liber and Page of easement filing shall be referenced on final as-built record drawings provided to the Town.
6. No building permits shall be issued for any of the lots in this subdivision unless and until this final plat has been recorded in the Office of the Monroe County Clerk. The Liber and Page at which this final plat is recorded in the Office of the Monroe County Clerk shall be indicated on the approved, signed copies of this final plat that are submitted to the Town. A note that indicates this requirement shall be added to the plat.
7. No building permits shall be issued for any of the lots in this subdivision unless and until a digital copy of the plans has been submitted. All sheets in the drawing set, with all necessary signatures and the Liber and Page at which this final plat is recorded in the Office of the Monroe County Clerk, shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
8. Subject to approval by the Town's Commissioner of Public Works and Engineering staff.
9. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include successors and assigns.
10. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.

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11. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.

VOTE:	Antelli	Yes	Barletta	Yes
	Burke	Absent	Helfer	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED
APPROVED WITH CONDITIONS

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2. Applicant: Sanco Builders, LLC
 Location: 981 Latta Road
 Mon. Co. Tax No.: 046.19-3-20
 Request: Revised preliminary and final plat approval for the Legends at Latta subdivision, consisting of 28 lots (27 new houses; 1 existing house) on approximately 10.8 acres
 Zoning District: R1-8 (Single-Family Residential)

The following is a synopsis of the discussion pertaining to the above-referenced request.

Richard Giraulo, LaDieu Consulting, presented the application:

Mr. Giraulo: This project has been approved by the Planning Board in July 2012; it was approved with 25 lots at that time. Since that time, our client has tried to get financing for the project. The banks are reluctant, given the low number of lots and the cost to develop the lots. For the site improvements, they suggest trying to get a few more lots. We have kept the same concept, with just one entrance, off Latta Road. The changes that we have made are fairly minor. When you come in the project from Latta Road, there is big curve with some long, big lots. We set the houses back further than the minimum required setback so that the lots could be narrower at the street, but still meet the 40-foot width on the front lot line; we were able to add three lots. The lots on Latta Road will not change. It is a private drive with a private storm sewer system and water management system, dedicated sanitary sewer and water mains.

Mr. Copey: There are very few staff comments. Essentially, the form of the subdivision is the same as what was approved by the Planning Board in 2013. The road and utility layout have not changed; they've just been able to shuffle things around to add some lots. As with the original approval there are three lots—not four—on Latta Road so as to minimize any visual impact on the historical home. We received a letter from one neighbor, Mr. and Mrs. Volkmar, 483 Ripplewood Drive, expressing their concerns about the change of use with the property, from its current state to being developed, because of the change in what they will see. It may not have been expected by neighbors, but the land is zoned for residential development and the zoning ordinance permits the setbacks and lot sizes.

Mr. Gauthier: We have rather minor technical and administrative comments that will be forthcoming. They are not significant, and this plan is consistent with the previous plan.

Richard Wasmuth, 473 Ripplewood Drive: The existing storm water drains will not be sufficient to handle the rainwater that is generated.

Mr. Gauthier: The development includes drainage pipes, and the developer now is required to have green infrastructure. That will infiltrate a portion of the storm water into the ground, but there also is a storm water collection system that will direct the runoff that currently goes onto the adjoining yards; by regrading the site, it will pull the storm water away from existing houses and send it the storm system on Latta Road. We have reviewed the plan, and it actually should improve the drainage of the adjoining properties. If there is a problem after it's done, give us a call.

Mr. Wasmuth: Where does the runoff from Lot 115 go to?

Mr. Gauthier: There is a rear yard swale that pulls the runoff from the corner, and there are two storm water facilities at the front of the subdivision. They will help the drainage in this area; it meets all the requirements.

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Karen Herbert, 244 Rumson Road: It looks like my lot will have a full house behind it, and a half a yard. How far are the homes being built to my lot? Is the drainage going to be covered?

Mr. Copey: The permitted setback is 40 feet, but they are proposing about 60 feet.

Mr. Gauthier: There will be pipes and open swales.

Mr. Sofia: There should not be any standing water.

Maureen Close, 58 Ironwood Drive: On Lots 225 & 226, will they be 40 feet too?

Mr. Copey: The way that those lots are oriented, it is the side of the lot, which has a setback of about 15 or 20 feet.

Ms. Close: The person that buys that house will be responsible for the area up to the fence. What about in between those houses? What's going there?

Mr. Copey: It will be mowed. There will be a homeowners association, so I'm not sure whether the association or the individual homeowner will be responsible. In between, there is a shared driveway and we have talked to the developer about putting in a fence to shield the neighbors from headlights.

Ms. Close: Are there any plans to replace the existing fence? Also, the map talks about flood insurance. Will we have to buy it?

Mr. Copey: That's a standard note.

Mr. Giraulo: On the lots in question, we propose to put a six-foot-high board-on-board fence with some plantings to shield the headlights and driveway.

Maureen Devos, 278 Rumson Road: We were told that there would be a berm behind us, and now the map shows a chain-link fence. Has that changed from the previous plan? Will the unnamed road be used for construction vehicles? We also have a problem with that fence falling over.

Mr. Giraulo: The intent is to use Latta Road for construction vehicles. The berm was on the original plan, but we are offering a fence now.

Mr. Fisher: Was there a berm on the southerly side?

Mr. Giraulo: No.

Mr. Selke: What does the homeowners association take care of?

Mr. Giraulo: They are going to take care of the private drive, the storm sewer system, and maintain the storm water management facilities; each homeowner will be responsible for taking care of his/her own lawn.

Edward Gartz, 220 Orchard Creek Lane: Why is the development so dense?

Mr. Fisher: What look at what the zoning allows for the land, what the requirements are, and we ensure that what is being proposed meets the required setbacks. Those are the rules that we follow.

Mr. Gartz: You're wrong in your assumption about what the Planning Board is supposed to do.

Jim Meitus, 245 Rumson Road: What are the prices of the homes and what will be done about the fence? It's always broken.

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Mr. Giraulo: The homes will be between about \$175,000 to \$300,000, depending on the amenities that the buyer wants. The fence has been there for a long time, and I think that it should be removed.

Mr. Fisher: Is there a change proposed?

Mr. Giraulo: I think that it should be taken down if the neighbors are OK with that.

Charles Ennis, 1022 Rumson Road: My concern is the storm sewer system. This development is a radical change for the area. What is going to happen to the water table up by Latta Road? I would appreciate some more information on this issue.

Mr. Fisher: That is why our engineers are involved with each subdivision, to be sure that all the potential impacts are looked at.

Mr. Gauthier: There is no open stream and there will not be a new floodplain. The developer has proposed a plan which we have reviewed and which does not send anymore storm water off-site. The plan infiltrates a portion of the water into the ground, and the developer is required to discharge less to Latta Road after the development than the existing conditions. The development is not going to overload Latta Road; the runoff will be discharged slowly over time. In the past, storm sewer systems took all the runoff and rushed it off the site. I'm comfortable that everyone on the perimeter will receive less storm water and that Latta Road will receive less. During construction is the biggest challenge; the new storm drainage system does not work as its intended, and that is when we are mostly exposed. This is the method we are required to use.

Philip Hazen, 28 Crossroads Lane: That property used to be apple orchards. Do they have arsenic in the soils?

Mr. Barletta: Was the ground tested?

Mr. Giraulo: Yes. The ground was tested extensively.

Mr. Selke: Who owns the chain-link fence? Does the applicant plan on repairing the fence?

Mr. Giraulo: I believe that the current property owner owns the fence. I think that it should be removed, and the new homeowners can put up their own fence if they want.

Ms. DeVos, 278 Rumson Road: Are these two-story homes? Now there will be no privacy; we would have to put up a fence if we wanted privacy.

Mr. Fisher: There could be two-story or ranch homes. It is single-family development. The question is to keep the fence up as is or take it down.

Mr. Copey: My recommendation is that the fence should come down.

Mr. Barletta: What are the setback requirements?

Mr. Copey: For R1-8 districts, the minimum front and rear setbacks are 40 feet; the minimum side setback is 6 feet.

Mr. Selke: No new variances were needed?

Mr. Tajkowski: The R1-8 zoning district requires a minimum lot area of 8000 square feet. The smallest lot in this subdivision is a little over 9000 square feet. Most of the lots in here are 12,000, 15,000, 19,000, over 20,000, square feet in area. In comparison, the lots that surround this property were built in the 1950s and 1960s, and the lot size for most of these is about 9800 square feet. So, most of the new lots are larger than the surrounding lots.

Mr. Barletta: We should add that access should be from Latta Road only.

Mr. Sofia: Any deed restrictions?

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Mr. Giraulo: There probably are in the homeowners association agreement; I'm not aware of specific ones.

Kristen Tedrow, 32 Aquarius Lane: There are lots of car accidents on Latta Road. What is the Town's plan for all these cars?

Mr. Copey: When a traffic analysis is done, they look at the projected volume that will exit from the development, the projected volume on the roadway, and look to see whether there are sufficient gaps and spacing between vehicles to allow people to get in and out safely. There are scientific studies by people who are very capable of doing these studies.

Ms. Tedrow: So, the accidents that happen on Latta Road are okay?

Mr. Copey: They do a pretty good job in analysis and design; there would be a lot more accidents if they did not do the job that they do. Latta Road is a busy road.

Ms. Tedrow: You need to make a better plan.

Arthur Daughton, 52 Goethals Drive: It's our responsibility to drive safely and the police department's responsibility to enforce the law.

Ms. DeVos: What will happen to the fence at the end of the stub road that comes off Rumson Road and ends at the south side of the subdivision?

Mr. Copey: Mr. Giraulo, you will have to put in a guide rail.

Mr. Giraulo: We don't own the property where it would be placed.

Mr. Gauthier: If the alleged encroachment has taken place and has caused concern, it was not by the Town; a lawful access requires a highway permit to accomplish this. A temporary barrier should be placed on the applicant's side of the roadway until a house is built.

Mr. Fisher: They could put in a fence that would be approved by the Town.

Mr. Gauthier: We can commit to the Town putting up a barrier, subject to approval by the Commissioner of Public Works; it will prevent an unauthorized access from the unnamed street.

Ms. Close: If you take down the fence, will you give the existing homeowners notification that the fence will be coming down? That fence partly encloses the homeowners' property, and they will have to pay for a permit to put a fence back up. What if they have animals that are enclosed in the back yards?

Mr. Schiano: If the fence is on the developer's property he has every right to take it down.

Mr. Sofia: In fairness to the neighbors, could we notify them?

Mr. Copey: The Town will send a letter.

Tarri Mundt, 503 Ripplewood Drive: What will be the distance between my lot and the new owners?

Mr. Sofia: The 60 feet is from the back of their home to your property line.

Mr. Selke made the following motion, seconded by Mr. Antelli:

WHEREAS Sanco Builders, LLC (the "Applicant") has submitted a proposal to the Town of Greece (the "Town") Planning Board (the "Planning Board") for approval of a revised preliminary and final plat, as more fully described in the minutes of this public

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meeting (the "Proposal"), relative to property generally located near 981 Latta Road (the "Premises"); and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Planning Board makes the following findings:

1. On March 15, 2011, the Town Board changed the zoning of the subject property from R1-12 (Single-Family Residential) to R1-8 (Single-Family Residential). As an Unlisted action pursuant to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), the rezoning was the subject of a coordinated environmental review, for which the Town Board was the Lead Agency and the Planning Board was an involved agency. Following the review of the Full Environmental Assessment Form and supplemental information provided by the Applicant and other interested or involved parties, the Town Board issued a negative declaration pursuant to SEQRA, indicating that there would be no significant adverse environmental impact.
2. In its role as the Lead Agency, the Town Board exercised due diligence in identifying and notifying involved agencies, including the Planning Board, and pursuant to the SEQRA Regulations, Section 617.6(b)(3)(iii), the Lead Agency's Negative Declaration is binding on all involved agencies.
3. The Planning Board has considered the Lead Agency's Negative Declaration, and reviewed additional detailed information related to traffic, buffering, utilities, drainage, and other relevant issues.
4. The Planning Board finds the proposed project to be consistent with the project reviewed by the Town Board.

NOW, THEREFORE, be it

RESOLVED that SEQRA requires no further environmental review by the Planning Board.

VOTE:	Antelli	Yes	Barletta	Yes
	Burke	Absent	Helfer	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED

Mr. Selke then made the following motion, seconded by Mr. Antelli, to approve the Proposal, subject to the following conditions:

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. A dated signature of the owner/developer shall be added to the plat.

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3. The private drive shall not be offered for dedication to the Town of Greece. A note to this effect shall be added to the plat.
4. The Town's 2001 Community Master Plan Update (Clough, Harbour & Associates, September 2001) contains current and projected population growth; an inventory and analysis of public, private, and semi-private recreation facilities, both active and passive; and recommendations for future actions. Based on this document, the Planning Board finds that the Town currently needs, or will need, additional park and recreation space in the vicinity of the Proposal. The Planning Board further finds that development of this subdivision will contribute to the demand for additional park and recreation space, and that this subdivision provides no suitable park or recreation land to address such current or future need. Therefore, pursuant to New York State Town Law, Section 277, payment of the Town's recreation fee shall be required for each building lot in this subdivision, payable to the Town upon the issuance of the original building permit for each house. A note that indicates this requirement shall be added to the plat.
5. Subject to approval and filing of appropriate easements for shared access.
6. Subject to approval and filing of appropriate easements for public utilities, as may be directed by the Commissioner of Public Works.
7. Proposed storm water ponds shall be maintained by the homeowner's association that will be formed for the residents in this subdivision. Final plat approval shall be subject to the approval and filing of a Storm Water Facility Maintenance agreement in accordance with Chapter 176 of the Town of Greece Code.
8. Upon completion of construction of the storm water management pond, the Applicant shall provide certification that such pond was constructed as designed and approved. Such certification shall be provided in the form of an as-built topographic survey with pertinent utility structures shown, prepared by a New York State Licensed Land Surveyor. No final approval signatures shall be placed on the site plan unless and until the Applicant has submitted to the Town a financial guarantee (such as a letter of credit, certified check, or other acceptable instrument), in an amount approved by the Town's Commissioner of Public Works and the Town Attorney, that is sufficient to properly construct the proposed pond, and to provide the aforementioned certification. No release of such financial guarantee shall be made unless and until the improvements and certification are completed to the satisfaction of the Town's Commissioner of Public Works and the Town Attorney.
9. In addition to final printed copies of the approved Preliminary Plat, a digital copy shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
10. Subject to approval by the Town's Commissioner of Public Works and Deputy Commissioner of Public Works for Engineering.
11. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include successors and assigns.
12. Wherever this resolution refers to a specific public official or agency, it shall be construed to include successors and assigns.
13. Construction access shall be from Latta Road only.
14. The Applicant shall remove the dilapidated perimeter fence that surrounds the Premises.

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VOTE:	Antelli	Yes	Barletta	Yes
	Burke	Absent	Helfer	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED
APPROVED WITH CONDITIONS

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SITE PLANS

Old Business

1. Applicant: Crescent Beach Restaurant and Hotel, LLC
 Location: 1372, 1384 & 1390 Edgemere Drive
 Mon. Co. Tax No.: 035.09-1-21, 035.09-1-22, 035.09-1-23
 Request: Site plan approval for the following changes to the site of an existing restaurant: addition of concrete patio on the north and east sides; revised parking lot layout; removal of an accessory structure (one-car garage); and related utilities, grading, and landscaping, on approximately 2.6 acres

 Zoning District: BR (Restricted Business)

Motion by Mr. Barletta, seconded by Mr. Antelli, to continue the application to the September 16, 2015, meeting, as requested by the applicant.

VOTE:	Antelli	Yes	Barletta	Yes
	Burke	Absent	Helfer	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

**MOTION CARRIED
APPLICATION CONTINUED
TO SEPTEMBER 16, 2015, MEETING**

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2. Applicant: Apple Latta, LLC
 Location: 2451-2455 Latta Road
 Mon. Co. Tax No.: 045.19-2-3 (part)
 Request: Site plan approval for the proposed Orchard View senior housing community (80± one-story townhouses and 360± apartments in 12± two-story buildings; 440± total dwelling units), with related parking, utilities, grading, and landscaping, on approximately 62 acres

 Zoning District RMS (Multiple-Family Residential – Senior Citizen) and R1-44 (Single-Family Residential)

The following is a synopsis of the discussion pertaining to the above-referenced request.

Betsy Brugg, Esq., Woods Oviatt Gilman LLP; Kevin Morgan and Todd Morgan, Morgan Management; Angelo Ingrassia, Apple Latta, LLC; Garth Winterkorn and Evan Gefell, Costich Engineering; Thomas Gears, A.I.A., SWBR Architects; and Greg Senecal, LaBella Associates, presented the application.

Ms. Brugg: From our last meeting, there were a lot of questions that were asked. It was clear that the residents near the southwest corner of our site were dissatisfied with the 50-foot setback of the townhouses, despite the fact that it met the zoning code and the requirements of the Town Board. We are very pleased with what we were able to achieve since the last meeting. Our team worked hard, and I give credit to the Town. The Town Supervisor wanted this addressed to better address the concerns of the neighbors. The Planning Board and the staff were very creative and again tried to find good solutions. I think that we have made a significant improvement to the plan, and have been able to provide additional setback to provide and address buffering. We are pleased with the revised plan and we hope that you are.

Mr. Winterkorn: We have worked hard with the Town staff to address the biggest issue, that being the setback in the southern portion of our west property line. At the last meeting, we had 50-foot setbacks, but working with the Town's engineering staff, we have come up with a way to shift this row of townhouses 20 feet further east to provide a 70-foot setback. We basically picked up this whole block and moved it east 20 feet. As a result, we have to work out a few engineering details with the staff. We are pushing the road a little bit toward the floodplain. To compensate for any filling in the floodplain, we are going to increase the storage in floodplain greater than the amount of fill. The previous zoning R1-44 zoning on the property allowed for a 70-foot rear setback. Even though we are allowed to be at 50 feet, we made every effort to get the setback to 70 feet. As a visual buffer between the townhouses and the neighbors, we are proposing a double row, staggered planting of trees, mostly evergreens.

Mr. Gefell: They will be hemlock, spruce, red cedars; they will seven to eight feet high at initial planting.

Mr. Winterkorn: We have agreed to put in seven- to eight-foot-tall trees instead of the five- to six-foot-tall trees that were discussed at the last meeting. We have changed our east-west road near the entrance to the site. We reduced the road from three lanes to two, and propose to put a closed-construction, six-foot-high fence along Mr. Gaborski's property to provide a visual buffer.

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Mr. Gefell: We are proposing the fence and also proposing to plant low evergreens to improve the appearance from Latta Road.

Mr. Selke: How long is the fence?

Mr. Winterkorn: About 400 feet. It buffers the visual impacts on our property and on Latta Road. There was a concern about the heating, ventilation and air conditioning ("HVAC") condensers. They will be on the ground, with landscaping to buffer the view of them. The HVAC units will be next to the buildings and will be screened.

Mr. Gears: The units will be on a pad and near the community building, two on each side of the building for a total of four units. There will be one for each townhouse, and only three units for each apartment building to serve the common space. Each apartment will be served by unitary systems within the apartment, so there will be no exterior air conditioning units for the individual apartments.

Mr. Winterkorn: Regarding the trash collection, there will be a compactor with an enclosure near the maintenance building; that is just for overflow. Trash receptacles for the apartment buildings will be internal. At the last meeting, we came to the consensus that the berm of contaminated soil should be left in a natural state; we will be putting rye grass on the slopes and more of a wild seed mix on top. We left it so that in time, Mother Nature will do its thing and native plants are going to take hold. The Board wanted a more natural look, rather than a manicured berm; that is the direction in which we are going. We have agreed to put 40-foot-wide fences at the end of each driveway that serves a townhouse cluster, so that headlights would not shine in neighbors' yards.

Mr. Selke: Where will the snow storage be?

Mr. Winterkorn: Where all the green areas are. If the snow piles get too big, the snow will be removed.

Mr. Barletta: Does this project have a reduced pressure zone device ("RPZ")?

Mr. Winterkorn: They will be close to the right-of-way, south of the sidewalk; they will be painted green, with landscaping.

Mr. Copey: We have had a lot of discussion back and forth, and we are very pleased that they were able to gain the additional 20 feet of setback on the southern part of the west side. The applicant's team had to do a lot of extra, unusual design work. The result is over and above what the zoning code requirement is and what the Town Board allowed for the site; we know that there is an expense associated with doing that, and we appreciate that. We just learned tonight that the buffering will be seven- to eight-foot-tall trees along the southern portion of the west property line; that is no small step either. That is more expense, and I'm sure that the landscape architect will vouch for that. We are very pleased to see those changes and several other details covered. We have put together a draft resolution. There is a senior citizens-only deed restriction that will have to be filed prior to construction. The applicant has agreed to maintain the north-south section of the sanitary sewer. The sanitary sewer will be dedicated to the Town, but there will be an agreement between the Town and the owner for the owner to maintain it, to reduce any public burden. The RPZ enclosure will be painted green and screened. The applicant has agreed to do some channel maintenance in Kirk Creek to remove some debris and trees that may be impeding the flow. The site/soil management plan and site health and safety plan will be subject to approval by the Monroe County Department of Public Health ("MCDPH") and the New York State Department of Environmental Conservation ("NYSDEC"). Any material excavated from the floodplain will be deposited in the berm. A memorandum of development restriction or some other kind of legally filed instrument that might be required by the MCDPH or NYSDEC will be filed to note the existence and composition of the berm,

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and how it will be maintained. There will be a written agreement between the applicant and the Town for the applicant to maintain the berm, monitor its condition, and submit inspection reports to the Town's Commissioner of Public Works for a period of five years, with an option for the Town to extend that period. We have asked that the limit of clearing be noted on the drawing and in the field so that, after the site is cleared, there is clear boundary of where the work should be taking place. We now know that the HVAC units will be screened and ground-mounted, and that trash will be kept inside the buildings. The improvement of the fence along the entrance road is a great way of helping to address the screening of the adjacent property.

Mr. Gauthier: We have worked closely with the design team since our last meeting. Although there are details to hash out, they have made the commitment to overcompensate for the filling of the floodplain, which provides a safer condition than what currently exists in the community, and will enhance the floodplain management.

Edward Gartz, 220 Orchard Creek Lane: Thank you for the changes. I appreciate the lengths that they have gone to, to add the extra 20 feet. I think that this is going to work out better than what it was. It appears that some townhouses have been shifted over to be in the way of any possible eastward extension of Dutchess Drive. Is that correct?

Mr. Fisher: Yes. There was a concern about access there, and I think that this helps that.

Mr. Gartz: There was discussion about taking down trees. Will that be necessary now?

Mr. Fisher: The vegetation along the southern half of the site's west property will be left as is until that segment of the site is developed. There will be less disturbance of those tall trees.

Mr. Gartz: At the last meeting, it appeared that the buildings were in the floodplain, so I met with Mr. Gauthier to understand better how the floodplain applied to this project. It appears that the berm is out of the floodplain too. I have to admit that I am very pleased that we got the best that we could.

Mr. Fisher: We are as well.

Arthur Daughton, 52 Goethals Drive: I would like to thank you as well. What will happen on Latta Road? Will the view be better than it is now? In speaking with neighbors to the north, they get flooding. What will be done? What is the curb cut to the east?

Mr. Tajkowski: There is an emergency only access—not to the east of Kirk Road, but to the west of Kirk Road—that was required by the fire department as a secondary means of access; it cannot be used every day, just for emergency vehicles. The access to Dutchess that was shown on the first map was for emergency purposes only. That was removed back during rezoning approval. When you were speaking about the neighbors to the north, were you talking about the visual aspects or the flooding?

Mr. Daughton: One statement that was made was about water flowing south to north, and that was why the detention ponds were where they are, so I'm just clarifying the statement.

Philip Hazen, 28 Crossroads Lane: We live three houses down from Dutchess Drive. If you look at the average distance from the back of our house to the side of the townhouses compared to the distance at the south end, we're 40 feet closer to the townhouses than the homeowners are at the south end, yet they are getting a very nice hedgerow. We have rotten apple trees behind us; we don't want them left up. Why can't we have the same thing as the homeowners to the south?

Mr. Fisher: Along the southern half of the west property line, there are taller trees, with a high canopy; there is no vegetation underneath. We are trying to provide a buffer there, as compared to your area, where the vegetation is very dense. In some areas where there is limited existing visual buffer, the Town staff will work with the applicant. I suggest that you

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contact the Town staff and work to set up something specific for the areas that are near you that need more vegetation.

Mr. Hazen: It was very nice of Mr. Copey to come out to our house to see our back yard, but when you build these townhouses, you are going to have to clear all of that.

Mr. Fisher: They are going to indicate clearly the areas that will be left undisturbed and that will be the area that would be the area that might need some new plantings.

Mr. Hazen: It looks thick now because it's summer, but when the leaves come off, we can see. We want the bad vegetation, such as poison ivy, out of there.

Mr. Tajkowski: Mr. Chairman, I believe that you said at one of the Board's first meetings on this project that the existing vegetation should come out; however, many of the neighbors in that area said that they wanted it left there. Maybe some folks have cleared vegetation that is not on their property and have created some visual holes in the existing buffering, but regardless of how gaps have occurred, the applicant's representatives have taken photos of the site in November—not in August, not in May; in November, when the leaves were off the trees—and one of the Town Board's environmental mitigation measures was that, wherever there were visual gaps, they would have to be filled. We are proposing that the applicant work with the Town's staff to identify those areas and get them filled in.

Mr. Fisher: So if you have issues, Mr. Hazen, contact our staff and we work it out.

Mr. Copey: There's no need for a new, double row of pine trees where the existing vegetation is pretty thick. That's what naturally wants to be there, and, frankly, it's the best kind of buffer. We have to fill in some open spaces at the southern half of the site because there is no vegetation growing under those trees. When the site is cleared, I will meet with the developer's representatives and walk through there; that's when we will see the openings in the vegetation that should be filled in.

Mr. Sofia: The Town's staff will work with the applicant to fill in gaps.

Mr. Hazen: We also have a low area with poor drainage.

Mr. Gauthier: We have reviewed that area. The developers are going to make their side of the property line lower than your side; their drainage will not go onto your property. You might still have a low spot on your property, but this project won't make it worse.

Shane Crudele, 42 Dutchess Drive: What are going to happen to my taxes with all these new residents?

Mr. Schiano: Are you asking whether your taxes will they go up or down because of this project?

Mr. Fisher: They get no tax breaks; this is market rate housing.

Mr. Crudele: Will this be all senior housing? Will we have an English Village next to us? I don't want 400 units of welfare next to me. Have you seen the traffic on Latta Road? It's crazy to try to get out onto Latta Road from a side street.

Mr. Schiano: I drive Latta Road three or four times a day. It's each person's responsibility to drive within the speed limit, and it's each person's responsibility to contact the police and stay on top of this situation. With enough police presence, the cars will slow down. But you have to contact the police and stay on it.

David Binn, 40 Duncan Drive: I live on the south side of this project. There has been no discussion regarding that border.

Mr. Copey: The setback of the townhouses from the south property line of the site already is about 80 feet.

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Mr. Binn: Is there any provision for a berm? Are there plans for that area?

Mr. Tajkowski: There is an opportunity for the developer to leave the existing vegetation; the setback of the townhouses is more than the minimum established by the zoning ordinance. Where there are gaps, they can be filled in. That already was an environmental mitigation measure that the Town Board established, and the developer committed to that.

Mr. Selke: I don't see the fences at the ends of the driveways for the townhouses along the southern side of the site, the way that they are in place for the townhouses along the west side of the site; that should be added.

Mr. Binn: We appreciate the 80-foot setback, and we would like to have the vegetation left. I live closest to Kirk Creek. Will it be the Town's responsibility to keep the creek clear?

Mr. Fisher: The applicant has offered to clean out the debris that is along the creek.

Mr. Gauthier: You should see a significant improvement.

Mr. Tajkowski: I want there to be a clear understanding about what I said. The townhouses are about 80 feet from the south property line; however, there could be some site work that takes place closer than 80 feet from that property line. There is a commitment to fill in gaps in screening vegetation.

Valencia Metcalf, 516 Fetzner Road: I'm here on behalf of the residents. I have two concerns. First, I would like to thank you for what I'm hearing. You're listening, and I do understand the cost. A major concern is the traffic, so for the record we need to go back to the New York State Department of Transportation ("NYSDOT") and ask the state to take another look. The other concern is the lack of transparency and residents that have not heard about this project. I think that would be fair.

Mr. Fisher: That's why it's important that you come to the meetings and provide feedback.

Bob Haddelton, 2270 Latta Road: I spoke with Mr. Copey, and appreciate his time. Will the traffic signal have a button for pedestrians to press? Have the schools been notified?

Mr. Gauthier: I would expect that the button for pedestrians would be installed.

Mr. Fisher: This is housing for senior citizens.

Mr. Haddelton: I'm concerned that there is too much traffic, with children walking along Latta Road.

Mike Starr, 196 Crossroads Lane: As a resident at the southern part of the west side of this project, I want to say thank you for the extra buffer, the fences at the west ends of the townhouse driveways, and blocking the access to Dutchess Drive. I would like to understand whether we are going to have berm between the townhouses and our houses.

Mr. Fisher: No. It would interfere with drainage. Instead, there will be taller trees.

Mr. Starr: At what point will the double row buffer of trees be planted? Will the trees be close to property line or near the townhomes?

Mr. Winterkorn: They will be about 25 feet from the townhouses; roughly, halfway between the townhouses and our west property line.

Mr. Starr: Will we, as adjoining homeowners, be able to ask what will stay or go? Will the fence be vinyl? How far apart will the trees be from each other?

Mr. Copey: We want the area between the townhouses and our property line to stay as natural as possible. The fence will be vinyl. Most of the plantings will be conifers, a double row, planted in an alternating, staggered, pattern, 20 feet on center.

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Mr. Starr: When will you begin clearing?

Mr. Fisher: Soil excavation is going to be at two separate times. When the second phase would occur would depend on how quickly construction occurred; it might be continuous or it could be some lengthy time. That's why we didn't want to disturb all the trees now. You and we would like it to remain unchanged for as long as possible.

Mr. Starr: So there is a phased approach to the clearing and construction? Will the residents of the project be able to take trash to the compactor?

Mr. Fisher: Yes.

Mr. Winterkorn: The trash will be handled by the maintenance staff. Each townhouse will have its own garbage tote.

Tim Keenan, 188 Crossroads Lane: Thank you for presenting a great plan; we can work with the 70-foot setback. We wanted you to hear us.

Mr. Fisher: That's why we need you here to help figure it out.

Sue Schantz, 20 Crossroads Lane: We have cleared some of the poison ivy. We don't have much vegetation left. If the new vegetation infill is not enough, can I fill it in?

Mr. Fisher: Work with Mr. Copey on the vegetation.

Mr. Tajkowski: A standard Town requirement is that, if the plants die off, the developer has to replace them.

Lori Hopkins, 30 Parkside Lane: I have concerns regarding the traffic. Could Willowood Drive get a traffic signal?

Mr. Fisher: According to the NYSDOT, the traffic signal at West Bend was to create some gaps.

Ms. Hopkins: It's not sufficient.

Mr. Tajkowski: The NYSDOT has standards for the separation of traffic signals, but most of all, they have standards for traffic volumes to justify the placement of a traffic signal, called warrants. If you don't have a certain amount of traffic volume for a sustained period of time at a side street, then they won't approve a traffic signal. If they put up a traffic signal at every street intersection, then there would be complaints about too many traffic signals and not being able to move along the main road.

Mr. Barletta: Will there be guardrails around the pond?

Mr. Winterkorn: We are putting trees around the perimeter. On average, it is 30 to 80 feet from the edge of the road to the actual static water elevation. The bank will be a 1:4 slope; it meets the NYSDEC design standards.

Mr. Selke: Do you have a profile of the pond?

Mr. Winterkorn: Per NYSDEC standards, from the edge of the water pool, we go out 15 feet to a depth of only 1 1/2 feet; then it gets deeper. The pond will have a gazebo; the details are shown on the plans. The pond also will have a fountain to keep the water moving.

Mr. Fisher: Between phases of soil movement, will you remove the temporary bridge across Kirk Creek?

Mr. Winterkorn: Yes.

Mr. Fisher: The creation of the berm of contaminated soil is where I have the least understanding. You will be creating the first part of the berm in an area that is remote from neighbors. I propose that, after Phase 1 of the soil excavation and relocation has taken

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place, we have an opportunity to conduct a review of what the berm will look like because the second part of the berm will be close to the people who live next to the south end of the project. This review will give us the opportunity to see what happened during Phase 1 of the soil relocation and how the berm will have turned out up to that point. I think that we could handle it as a special planning topic to see whether we have to change the soil relocation work plan.

Mr. Selke: What would the time lapse be?

Mr. Fisher: There is going to be Phase 1 of the soil relocation, in which they move the soil from the northern half of the site; after that, the bridge will be taken down. After that has been done, we would get a report from the applicant and have an opportunity to visit the site.

Mr. Selke: So you're talking within months, not years?

Mr. Fisher: It would be before the start of Phase 2 of the soil relocation, within one to three months after Phase 1 has been completed. The intent is to look at the soil relocation process; this is substantial movement of material in a way that we have little experience with.

Ms. Brugg: We offered to work with the Town's engineering and to provide information to them.

Mr. Fisher: I think that it should be the Planning Board. We have the responsibility. If we were asked what we are going to do, what's it going to look like, we don't know some of those things and we really want to find out. This is more than information; this is an approval that has potential change in the site/soil relocation plan or the appearance of the berm.

Mr. Schiano: This is a public safety issue.

Mr. Senecal: From our last meeting, the minutes read that we thought we would provide a summary report of how the berm creation process went. Everyone would see me after Phase 1 of the soil relocation. If there were lessons learned, anything that would need to be changed, we would do that before we started Phase 2 of the earthwork. The applicant is happy to do that.

Mr. Schiano: What is the problem by coming back?

Mr. Copey: Who will you submit it to? The Board could put that as a condition of approval.

Ms. Brugg: I understand from our engineers, the data that we have covers how the berm is to be constructed. We cannot move the soil off the site.

Mr. Schiano: We are not talking about moving the dirt off the site. If there is something that needs to be adjusted, the applicant connects with the Planning Board so that we understand what needs to be done as well.

Mr. Fisher: My intent is that we look at the part of the berm that is not done at the end of Phase 1 of the soil relocation, before the start of Phase 2. That is the part of the berm that will be next to the residents. I'm not trying to change Phase 1, but I'm trying to ask what lessons have we learned.

Ms. Brugg: We are willing to work with the engineer and report to the Planning Board. We are not agreeable to holding any part of the site plan approval of what's before you.

Mr. Tajkowski: The Chairman is not suggesting that; he's talking about the soil relocation only. It would be special planning topic, not a public hearing. It would not be a modification of the site plan approval.

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Ms. Brugg: We want to work together. We just have to rely on the plans that have been submitted.

Mr. Tajkowski: The Chairman is not implying in any way that the Board would tinker with the design of what is not been built yet at that point.

Mr. Fisher: For example, if there is a particular slope or undulation or whatever, we would have an opportunity to make sure that it is what we want.

Mr. Schiano: If everything in Phase 1 of the soil relocation and berm creation works well, there will be no issue.

Ms. Brugg: We are very clearly not agreeing to a re-approval or changing the approval of the site design.

Mr. Copey: If there were things that didn't work in Phase 1, we could fix them in Phase 2.

Mr. Binn: In a previous meeting, it was brought up about what will happen to all the rodents. Does the Board consider this to be a legitimate concern, and what could be done or is there a plan?

Mr. Fisher: This is the kind of thing that happens in every kind of development.

Mr. Sofia: Is there a proven method that works?

Mr. Gauthier: Fortunately, the site clearing and soil relocation are going to occur in phases. Initially, if there are vermin they are going to be pushed into the wild where the predator population exists. This is not like the Northgate Plaza redevelopment project, where there were rats in buildings. We are dealing with rather small critters and they are going to be forced to go into the wild. If the Board wanted to put in a provision for extermination, that may be overdoing it, with no proven way to do it. We have never done that on another site.

Mr. Selke: That dead wood has to be removed.

Mr. Copey: The dead wood off the project site is not being removed. Dead trees and brush do not harbor more rats than any other any natural woodland.

Mr. Hazen: I'm looking at the retention pond and I see other ponds with wires or string around them. Is there going to be a fence to discourage the geese?

Mr. Fisher: The applicant has indicated that they are going to keep this as nice as possible. I think that they will use whatever measures are appropriate.

Mr. Selke: Will the curb cut on Latta Road remain the same? Will you have to widen that? Will you have to get an easement from Mr. Gaborski?

Mr. Winterkorn: There will be two lanes out an one lane in. Morgan Management will maintain the entrance. There will be an easement with Mr. Gaborski.

Mr. Tajkowski: The staff recommendations for conditions of approval contain provisions for cross access easements.

Mr. Selke: Where is the visitor parking?

Mr. Winterkorn: They are shown on the site plan, and some units have their own garages.

Ms. Tedrow: I'm glad that the access is at the Latta Road-Kirk Road traffic signal, but I'm very concerned about the traffic there. Is there any way that we can petition the NYSDOT about that?

Mr. Fisher: We have talked about that and because of the studies that have been completed; the NYSDOT has said that they would not put in a turn lane.

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Ms. Tedrow: I see the retention pond on the site. My property does not have water problems, but my neighbors across the street do. Will this help project help?

Mr. Gauthier: This project will help after it is constructed. It is not going to make it so that people who currently are in the floodplain will no longer be in the floodplain, but this project won't make conditions worse and should improve them somewhat.

Ms. Tedrow: Regarding the vermin, where is "the wild"? I don't want them in my back yard.

Mr. Schiano: You won't see a stampede of animals into your yard.

Ms. Tedrow: This developer has gone above and beyond, and this should be a standard that I think you should consider in the future for the benefit of all of us.

Mr. Barletta made the following motion, seconded by Mr. Antelli:

WHEREAS Apple Latta, LLC (the "Applicant") has submitted a proposal (the "Proposal") to the Town of Greece (the "Town") Planning Board (the "Planning Board") for approval of a site plan, as more fully described in the minutes of this public meeting, relative to property generally located at 2451-2455 Latta Road (the "Premises"); and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Planning Board makes the following findings:

1. On February 19, 2015, the Town Board changed the zoning of the subject property from R1-44 (Single-Family Residential) to MFS (Multiple-Family Residential – Senior Citizen). As a Type I action pursuant to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), the rezoning was the subject of a coordinated environmental review, for which the Town Board was the Lead Agency and the Planning Board was an involved agency. Following the review of the Full Environmental Assessment Form and supplemental information provided by the Applicant and other interested or involved parties, the Town Board issued a negative declaration pursuant to SEQRA, indicating that there would be no significant adverse environmental impact.
2. In its role as the Lead Agency, the Town Board exercised due diligence in identifying and notifying involved agencies, including the Planning Board, and pursuant to the SEQRA Regulations, Section 617.6(b)(3)(iii), the Lead Agency's Negative Declaration is binding on all involved agencies.
3. The Planning Board has considered the Lead Agency's Negative Declaration, and reviewed additional detailed information related to traffic, buffering, utilities, drainage, and other relevant issues.
4. The Planning Board finds the proposed project to be consistent with the project reviewed by the Town Board.

NOW, THEREFORE, be it

RESOLVED that SEQRA requires no further environmental review by the Planning Board.

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VOTE:	Antelli	Yes	Barletta	Yes
	Burke	Absent	Helfer	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED

Mr. Barletta then made the following motion, seconded by Mr. Antelli, to approve the Proposal, subject to the following conditions:

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. No building permits shall be issued unless and until senior-citizen-only deed restrictions required by the Town Board as part of the rezoning of the Premises have been filed in the Office of the Monroe County Clerk.
3. As offered and agreed by the Applicant, the Applicant shall assume maintenance responsibility over the proposed north-south section of the dedicated sanitary sewer within the limits of the development. Prior to final approval signatures, an agreement for this purpose shall be subject to review and approval by the Commissioner of Public Works and the Planning Board's Attorney, and shall be filed in the Office of the Monroe County Clerk.
4. The proposed reduced pressure zone device ("RPZ") enclosure shall be located as far as possible from Latta Road, shall be painted green, and shall be screened with landscaping to the greatest degree possible, subject to approval by the Monroe County Water Authority.
5. As offered and agreed to by the Applicant, the Applicant shall provide maintenance to the channel of Kirk Creek to remove obstructions including dead, fallen, and accumulated debris as directed by the Commissioner of Public Works within the limitation of the United States Army Corps of Engineers Nationwide Wetland Permit.
6. The Applicant has prepared a Soil/Site Management Plan and a Site Health and Safety Plan which will be implemented to minimize community and worker exposure to contaminated soil during construction. No soil removal or relocation shall commence on the Premises unless and until such plans have been reviewed and approved by the Monroe County Department of Public Health and the New York State Department of Environmental Conservation.
7. Spoils from compensatory excavation of floodplain shall be deposited in the proposed contaminated soil berm. The Soil/Site Management Plan and a Site Health and Safety Plan shall be updated to reflect this.
8. The Applicant shall record in the Office of the Monroe County Clerk a memorandum of development restrictions, or such other instrument as deemed appropriate by the Monroe County Department of Public Health or the New York State Department of Environmental Conservation, regarding the contents and maintenance of the

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contaminated soil berm. Such instrument shall be subject to review and approval by the Planning Board Attorney and/or the requesting agency.

9. The Applicant shall enter into an agreement with the Town which requires semi-annual inspections of the contaminated soil berm for the purpose of monitoring ground cover and stability to avoid soil erosion. Such agreement shall outline the frequency and protocol for the inspections and shall require that reports be submitted to the Commissioner of Public Works for each such inspection. Such agreement shall run for a term of five (five) years following completion of the berm, and shall contain an option for the Town to extend such agreement if deemed necessary in its sole judgement.
10. The landscaping on the Premises shall be maintained by the current owner of the Premises, and by any future owner. The owner of the Premises shall replace any dead plants with the same species or a similar species. The replacement plant shall be no smaller than the previous plant when it originally was installed.
11. Prior to the issuance of a Final Certificate of Occupancy for the Premises, the Applicant shall provide certification verifying proper installation of landscape areas on the site in accordance with the landscape plan approved by the Planning Board, and in accordance with the Town's Landscape Guidelines for Development. Such certification shall be on the certification form provided in such guidelines and shall be completed by a New York State Licensed Landscape Architect.
12. As offered and agreed to by the Applicant, the Applicant shall provide additional evergreen trees and/or woody shrubs along the west property line to fill in gaps in existing vegetation for the purpose of providing buffering for the benefit of existing residences to the west. A note indicating this requirement shall be added to the plan. The final number, species, size, and location of such trees shall be subject to approval by the Planning Board Clerk.
13. As offered and agreed to by the Applicant, the Applicant shall provide a fence at the end of each driveway that serves a group of townhouses in order to screen headlights from the adjoining single-family houses. Details of the proposed fences shall be included in the plans and shall be subject to approval by the Planning Board Clerk.
14. The limit of site clearing shall be shown on the plans and shall be clearly identified in the field during construction. Details of how the limit of clearing will be identified in the field shall be added to the plan. Vegetation, including understory shrubs and vines, outside the limit of clearing, especially along the west and south limits of the Premises, shall remain undisturbed. Within the limit of clearing, care shall be taken not to unnecessarily disturb the root structures of trees outside the limit of clearing. Notes indicating these requirements shall be added to the plans.
15. The exterior appearance (that is, materials, colors, and architectural style) of the proposed apartment buildings, townhomes, club house, and any maintenance buildings shall be generally the same on all sides. As offered and agreed by the Applicant, such materials shall be vinyl siding (in the tan color family) and stone veneer, with white trim, as represented to the Planning Board. Elevations of the exterior appearance shall identify these colors and materials as well as dimensions, shall show all sides of the building, and shall be filed with the site plan.
16. The overall height of the proposed club house building shall be reduced below the height of principle structures on site.

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17. The proposed pool maintenance building shall be located away from Latta Road, subject to approval by the Planning Board Clerk.
18. A fence shall be provided around the proposed pool in accordance with Building Code requirements. Chain-link fence shall not be permitted. Details of the proposed fence shall be included in the plans and shall be subject to approval by the Planning Board Clerk and the Building Inspector.
19. All heating, ventilation, and air conditioning (HVAC) equipment shall be screened from public view. If the HVAC equipment is or will be roof-mounted, the screening for such HVAC equipment shall be visually compatible with the proposed building(s), and shall be shown on the architectural elevations of the building(s). If the HVAC equipment is or will be ground-mounted, its location shall be shown on the site plan. Evidence that such HVAC equipment is or will be screened shall be submitted for review and approval by the Clerk of the Planning Board prior to affixing the Planning Board approval signature to the site plan.
20. Street names and proposed addresses shall be added to the site plan, subject to approval by the Fire Marshal.
21. Any proposed dumpsters or trash containers shall be enclosed and screened from public view in accordance with guidelines provided by the Town of Greece. The locations and details of proposed enclosures shall be shown on the site plan, subject to approval by the Planning Board Clerk. Chain-link fence shall not be permitted.
22. Light spill shall be contained on the Premises. Outdoor light sources shall be aimed or shielded so that they are not visible when viewed from off the Premises, and so that light spill is cast only downward onto the Premises. Exempt from this requirement are low-wattage or low-voltage lights that are located near the principal entrance to a building, and low-wattage or low-voltage lights, not higher than 42 inches above grade, that define a walkway or other access to a building.
23. Details or catalogue cuts of the proposed light fixtures and standards shall be added to the plan.
24. The lighting plan shall show the 0.1 foot-candle contour for all fixtures.
25. Snow storage areas shall be identified on the plan.
26. The locations of the designated fire lanes shall be shown on the Site Plan, Grading Plan, and Utility Plan.
27. Permanently mounted "No Parking – Fire Lane" signs shall be posted along the fire lanes at intervals of 50 feet or less. A note that indicates this requirement shall be added to the plan.
28. The location of the Kirk Creek floodplain shall be shown on the Site Plan, Grading Plan, and Utility Plan.
29. No building permits shall be issued unless and until highway permits are issued. A note indicating this requirement shall be added to the plan.
30. The Town's 2001 Community Master Plan Update (Clough, Harbour & Associates, September 2001) contains current and projected population growth; an inventory and analysis of public, private, and semi-private recreation facilities, both active and passive; and recommendations for future actions. Based on this document, the Planning Board finds that the Town currently needs, or will need, additional park and recreation space in the vicinity of the Proposal. The Planning Board further finds that development of these apartments will contribute to the demand for additional park

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and recreation space, and that this apartment development provides no suitable park or recreation land to address such current or future need. Therefore, pursuant to the New York State Town Law, Section 274-a, payment of the Town's recreation fee shall be required for each dwelling unit in this apartment development, payable to the Town upon the issuance of the original building permit for each dwelling unit. A note that indicates this requirement shall be added to the plan.

31. No building permits shall be issued unless and until the Applicant executes an agreement for maintenance of the proposed storm water management pond. Such agreement shall be subject to approval by the Planning Board's Attorney and the Commissioner of Public Works.
32. Drainage easements shall be provided over the proposed storm water management facilities, and any streams, wetlands, or flood zone areas on the site. Such easements shall be shown on the plat, site plan, utility, and grading sheets. The final boundaries and terms of such easements shall be subject to approval by the Planning Board's Attorney and the Commissioner of Public Works.
33. No final approval signature shall be placed on the plans unless and until the appropriate easement documents have been submitted to and approved by the Town.
34. No building permits shall be issued unless and until the appropriate easement documents, including all necessary map references, have been filed in the Office of the Monroe County Clerk.
35. No pre-construction meeting shall be scheduled unless and until a Notice of Intent (NOI) has been filed with the New York State Department of Environmental Conservation (the "NYSDEC").

Throughout the life of the storm water permit (from the filing of the Notice of Intent to the Notice of Termination), the developer shall comply fully with all aspects of the NYSDEC General Permit No. GP-0-15-002, particularly Part IV, which describes:

- periodic inspections of the construction site by a qualified professional; and
- maintenance of a site log; and
- stabilization requirements; and
- maintenance of sediment traps and ponds during construction.

The periodic inspection reports shall be provided to the Town's Engineering staff within 24 hours of inspections.

36. Buildings shall conform to the elevations and locations shown on the approved site or grading plans. At any time prior to the issuance of a certificate of occupancy, the Town may require certification of the location and elevation of the foundation of a building. Certification of the as-built location shall be in the form of an instrument location map prepared by a licensed land surveyor. Certification of the as-built elevation, in relation to the vertical datum shown on the approved plans, may be in the form of either a survey note on the instrument location map, or an elevation certification form or separate letter prepared by a licensed land surveyor or licensed professional engineer. A note that indicates this requirement shall be added to the plans.
37. Upon completion of construction of the storm water management pond, the Applicant shall provide certification that such pond was constructed as designed and approved. Such certification shall be provided in the form of an as-built topographic survey with

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pertinent utility structures shown, prepared by a New York State Licensed Land Surveyor. No final approval signatures shall be placed on the site plan unless and until the Applicant has submitted to the Town a financial guarantee (such as a letter of credit, certified check, or other acceptable instrument), in an amount approved by the Town's Commissioner of Public Works and the Town Attorney, that is sufficient to properly construct the proposed pond, and to provide the aforementioned certification. No release of such financial guarantee shall be made unless and until the improvements and certification are completed to the satisfaction of the Town's Commissioner of Public Works and the Town Attorney.

38. No building permits shall be issued unless and until a digital copy of the plans has been submitted. All sheets in the drawing set, with all necessary signatures, shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
39. Subject to approval by the Town's Commissioner of Public Works, Engineering staff, and Fire Marshal.
40. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include any successors and assigns.
41. Wherever this resolution refers to a specific public official or agency, it shall be construed to include designees, successors and assigns.
42. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
43. As offered and agreed by the applicant, the applicant shall return to the Greece Planning Board to review the data and the work processes used in the phase 1 creation of the berm to determine if there should be changes in the work plan or berm design in Phase II. This would be as a special planning topic within one to three months after completion of the first phase of the movement of contaminated soil and creation of the phase one berm. This review should be completed before the second phase of soil movement begins.

VOTE:	Antelli	Yes	Barletta	Yes
	Burke	Absent	Helfer	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED
APPROVED WITH CONDITIONS

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3. Applicant: Ralph Honda Automotive, Inc.
 Location: 3939 West Ridge Road
 Mon. Co. Tax No.: 073.01-03-47, 073.01-03-49, 073.01-03-50, 073.01-03-51,
 073.04-01-003 (part)
 Request: Site plan approval for a proposed addition to an existing
 automotive dealership building and additional parking to
 provide for expansion, on approximately 9.6 acres
 Zoning District BG (General Business)

The following is a synopsis of the discussion pertaining to the above-referenced request:

Richard Giraulo, LaDieu Consulting, presented the application.

Mr. Giraulo: We are proposing an addition of about 15,000/16,000 square feet to the existing site. Since our last meeting, those issues have been addressed. We have decided on a pond for our storm water on the west side of the project. We will be using storm water planter boxes to provide green infrastructure to filter the water. There was a suggestion by the Board to complete the sidewalk along the site's frontage on West Ridge Road. We have shown this on the plan and have submitted it to the New York State Department of Transportation ("NYSDOT"), and we are undergoing their approval process. We are proposing that the guide rail be moved back behind the new sidewalk. The sanitary sewer project that is going to take place will be removing the guardrail, so we thought that we should reinstall behind the sidewalk. We have proposed it to the NYSDOT, and they want to study it further; that issue is not fully resolved yet, but we plan to follow through. The site lighting plan shows 30-foot-high light poles, but we propose to put 20-foot-high light poles along Elmgrove Road and keep 30-foot-high light poles to the interior of the site. The benefit of the 30-foot-high light poles is the uniformity. The Board also asked for more landscaping on the corner, so we show some planter beds with flowering shrubs along with annuals.

Mr. Copey: The applicant has provided an archaeological survey to the State Historic Preservation Office ("SHPO"), and we have received a letter from the SHPO, acknowledging that there is no impact. Our staff had few comments. The proposed lighting stays consistent with the 20-foot-high light poles on West Ridge Road that the Board approved a few years ago. The LED lighting does a really good job of keeping the lighting on-site. We appreciate the applicant coordinating the sidewalk extension with the sanitary sewer project. The Board should include a condition that the applicant continues to work with them on that.

Mr. Gauthier: We are pleased with the presentation that was made and the efforts that were made. We will ask for some more detail on spanning Larkin Creek.

Mr. Barletta: The outflow from the pond, you cannot cross the property line.

Mr. Giraulo: We show an easement on the map.

Mr. Fisher: I think that the changes that were made have enhanced that corner.

Mr. Sofia made the following motion, seconded by Mr. Barletta:

WHEREAS Ralph Honda Automotive, Inc. (the "Applicant") has submitted a proposal (the "Proposal") to the Town of Greece (the "Town") Planning Board (the "Planning Board")

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for approval of a site plan, as more fully described in the minutes of this public meeting, relative to property generally located at 3939 West Ridge Road (the "Premises"); and

WHEREAS, the Planning Board makes the following findings:

1. Upon review of the Proposal, the Planning Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes an Unlisted action under SEQRA.
2. The Planning Board has considered the Proposal at a public meeting (the "Meeting") in the Greece Town Hall, One Vince Tofany Boulevard, at which time all parties in interest and citizens were afforded an opportunity to be heard.
3. Documentary, testimonial, and other evidence were presented at the Meeting relative to the Proposal for the Planning Board's consideration.
4. The Planning Board has carefully considered environmental information that was prepared by the Applicant's representatives or the Town's staff, which included but was not limited to: descriptions; maps; drawings; analyses; reports; reviews; aerial photographs; and Part 1 of an Environmental Assessment Form (the "EAF") (collectively, the "Environmental Analysis").
5. The Planning Board also has included in the Environmental Analysis and has carefully considered additional information and various oral or written comments that may have resulted from meetings with or written correspondence from the Applicant's representatives.
6. The Planning Board also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from various involved and interested agencies, including but not limited to the Monroe County Department of Planning and Development and the Town's own staff.
7. The Planning Board also has included in the Environmental Analysis and has carefully considered information, recommendations, and comments that may have resulted from telephone conversations or meetings with or written correspondence from owners of nearby properties or other interested parties, and all other relevant comments submitted to the Planning Board as of this date.
8. The Environmental Analysis examined the relevant issues associated with the Proposal.
9. The Planning Board has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein.
10. The Planning Board has met the procedural and substantive requirements of SEQRA.
11. The Planning Board has carefully considered each and every criterion for determining the potential significance of the Proposal and the Project upon the environment, as set forth in SEQRA.
12. The Planning Board has carefully considered (that is, has taken the required "hard look" at) the Proposal and the Project and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Analysis.
13. The Planning Board concurs with the information and conclusions contained in the Environmental Analysis.

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14. The Planning Board has made a reasoned elaboration of the rationale for arriving at its determination of environmental significance and the Planning Board's determination is supported by substantial evidence, as set forth herein.
15. To the maximum extent practicable, potential adverse environmental impacts revealed in the environmental review process will be avoided or minimized by the Applicant's voluntary incorporation of mitigation measures that were identified as practicable.

NOW, THEREFORE, be it

RESOLVED that, pursuant to SEQRA, based on the aforementioned information, documentation, testimony, and findings, and after examining the relevant issues, the Planning Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Planning Board determines that the Proposal will not have a significant adverse impact on the environment, which constitutes a negative declaration.

VOTE:	Antelli	Yes	Barletta	Yes
	Burke	Absent	Helfer	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED

Mr. Sofia then made the following motion, seconded by Mr. Barletta, to approve the Proposal, subject to the following conditions:

1. The Applicant shall develop the Premises in conformity with all details of the Proposal as presented in the written descriptions and site development plans, as orally presented to the Planning Board, and as set forth herein. In the event of any conflict among the oral or written descriptions of the proposal, the site development plans of the proposal, or the requirements or restrictions of this resolution, the Applicant agrees that the Planning Board shall determine the resolution of such dispute.
2. A concrete sidewalk shall be provided along the entire West Ridge Road frontage of the Premises. If the Town Board grants a waiver of the sidewalk requirement, the date of such waiver shall be added to the plan.
3. The landscaping on the Premises shall be maintained by the current owner of the Premises, and by any future owner. The owner of the Premises shall replace any dead plants with the same species or a similar species. The replacement plant shall be no smaller than the previous plant when it originally was installed. A note that indicates these requirements shall be added to the plan.
4. Prior to the issuance of a Final Certificate of Occupancy for the Premises, The Applicant shall provide certification verifying proper installation of landscape areas on the site in accordance with the landscape plan approved by the Planning Board, and in accordance with the Town's Landscape Guidelines for Development. Such certification shall be on the certification form provided in such guidelines and shall be completed by a New York State Licensed Landscape Architect or Certified Nursery Professional. A note that indicates these requirements shall be added to the plan.

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5. The location of any outdoor refuse container on the Premises, along with the height and type of enclosure for such container, shall be shown on the plan. If refuse is to be stored inside the building, a note that indicates this shall be added to the plan.
6. The outdoor refuse container shall be enclosed and screened from public view. A wall, fence, or landscaping may be used.
7. All heating, ventilation, and air conditioning (HVAC) equipment shall be screened from public view. If the HVAC equipment is or will be roof-mounted, the screening for such HVAC equipment shall be visually compatible with the proposed building(s), and shall be shown on the architectural elevations of the building(s). If the HVAC equipment is or will be ground-mounted, its location shall be shown on the site plan. Evidence that such HVAC equipment is or will be screened shall be submitted for review and approval by the Clerk of the Planning Board prior to affixing the Planning Board approval signature to the site plan.
8. The exterior appearance (that is, materials, colors, and architectural style) of the proposed addition shall be generally the same on all sides of the proposed addition, and shall be visually compatible with the existing building(s). As offered and agreed by the Applicant, such materials and colors shall be exterior insulation and finishing system ("EIFS") (in the grey/silver color family) with blue trim as represented to the Planning Board. Elevations of the exterior appearance shall identify these colors and materials, shall show all sides of the proposed building, and shall be filed with the site plan.
9. Light spill shall be contained on the Premises. Outdoor light sources shall be aimed or shielded so that they are not visible when viewed from off the Premises, and so that light spill is cast only downward onto the Premises. Exempt from this requirement are low-wattage or low-voltage lights that are located near the principal entrance to a building, and low-wattage or low-voltage lights, not higher than 42 inches above grade, that define a walkway or other access to a building. A note that indicates this requirement shall be added to the plan.
10. Snow storage areas shall be identified on the plan.
11. No building permits shall be issued unless and until a digital copy of the plans has been submitted. All sheets in the drawing set, with all necessary signatures, shall be provided in Tagged Image File (".TIF") format at a minimum resolution of 400 dpi.
12. The locations of the designated fire lanes shall be shown on the Site Plan.
13. The locations of all exterior doors shall be shown on the plan. All exterior doors shall be connected by a sidewalk to an acceptable fire safety zone.
14. Permanently mounted "No Parking – Fire Lane" signs shall be posted along the fire lanes at intervals of 50 feet or less. A note that indicates this requirement shall be added to the plan.
15. No building permits shall be issued unless and until the Applicant executes an agreement for maintenance of the proposed storm water management pond. Such agreement shall be subject to approval by the Planning Board's Attorney and the Commissioner of Public Works.
16. No final approval signature shall be placed on the plans unless and until the appropriate easement documents have been prepared and provided to the Town for review.

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17. No building permits shall be issued unless and until the appropriate easement documents, including all necessary map references, have been filed in the Office of the Monroe County Clerk.

18. No pre-construction meeting shall be scheduled unless and until a Notice of Intent (NOI) has been filed with the New York State Department of Environmental Conservation (the "NYSDEC").

Throughout the life of the storm water permit (from the filing of the Notice of Intent to the Notice of Termination), the developer shall comply fully with all aspects of the NYSDEC General Permit No. GP-0-15-002, particularly Part IV, which describes:

- periodic inspections of the construction site by a qualified professional; and
- maintenance of a site log; and
- stabilization requirements; and
- maintenance of sediment traps and ponds during construction.

The periodic inspection reports shall be provided to the Town's Engineering staff within 24 hours of inspections.

19. Upon completion of construction of the storm water management pond, the Applicant shall provide certification that such pond was constructed as designed and approved. Such certification shall be provided in the form of an as-built topographic survey with pertinent utility structures shown, prepared by a New York State Licensed Land Surveyor. No final approval signatures shall be placed on the site plan unless and until the Applicant has submitted to the Town a financial guarantee (such as a letter of credit, certified check, or other acceptable instrument), in an amount approved by the Town's Commissioner of Public Works and the Town Attorney, that is sufficient to properly construct the proposed pond, and to provide the aforementioned certification. No release of such financial guarantee shall be made unless and until the improvements and certification are completed to the satisfaction of the Town's Commissioner of Public Works and the Town Attorney.
20. Subject to approval by the Town's Fire Marshal, Commissioner of Public Works, and Deputy Commissioner of Public Works for Engineering.
21. Wherever this resolution refers to a specific applicant, developer, operator, or property owner, it shall be construed to include any successors and assigns.
22. Wherever this resolution refers to a specific public official or agency, it shall be construed to include designees, successors and assigns.
23. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any succeeding or superseding authority.
24. As offered and agreed to by the Applicant, the Applicant shall work with the Town's staff regarding the completion of the sidewalk along the West Ridge Road frontage of the Premises, in coordination with other utility projects in the vicinity.

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VOTE:	Antelli	Yes	Barletta	Yes
	Burke	Absent	Helfer	Yes
	Selke	Yes	Sofia	Yes
	Fisher	Yes		

MOTION CARRIED
APPROVED WITH CONDITIONS

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New Business

SPECIAL PLANNING TOPICS

Old Business

None

New Business

None

CODE ENFORCEMENT

ADJOURNMENT: 10:30 p.m.

APPROVAL OF PLANNING BOARD MEETING MINUTES

The Planning Board of the Town of Greece, in the County of Monroe and State of New York, rendered the above decisions.

Signed: _____

Alvin I. Fisher, Jr., Chairman

Date: _____